

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEC 27 2018

MICHAEL TAPP-EL,

Petitioner,

v.

HARVEY CLAY, et al.,

Respondent(s).

1:18CV911

ORDER

On November 1, 2018, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 5, 6.) Petitioner timely filed objections (Doc. 7) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED** and that this action is dismissed. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right

affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 27th day of December, 2018.

William L. Oster X.
United States District Judge